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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,720	03/08/2001	Thomas C. Uhrig	11220-0006	4956

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EXAMINER

RUDY, ANDREW J

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/805,720

Applicant(s)

UHRIG ET AL.

Examiner

Andrew Joseph Rudy

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-55,57-61 and 65-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55,57-61 and 65-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. Claims 1-55, 57-61 and 65-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salvo, US 6,341,271.

Salvo discloses a computer implemented inventory management system 100 using historical analysis of inventory 150 based on a business objective history, e.g. col. 3, lines 40-62, where a stocking plan is implemented according to the business objectives. A global communication network, e.g. 123, may be used to implement the inventory management system 100. Salvo does not specifically disclose various common knowledge computer implemented accessories, e.g. a graphical user interface, a check box, a touchpad, a pointing stick, and an electronic pen, along with the inventory management system 100. However, to have provided these common knowledge and extremely well-known computer system accessories to implement the inventory management system 100 of Salvo would have been obvious to one of ordinary skill in the art. Doing such would use a computer system designed to interface with a communication network, e.g. 123, disclosed by Salvo.

Applicant's REMARKS have been reviewed, but are not convincing. Contrary to Applicant's assertion, not positively recite a method analyzing and planning an inventory, nor does it recite a stocking plan. Applicant's claim language is intended use. Applicant's intended use claim language is considered when determining patentability, but not given the same weight as positively recited claim language. As is, Applicant's method need not analyze and plan, nor provide a stocking plan. Nonetheless, Salvo specifically discloses an analyzing and planning of

inventory, see col. 10, lines 9-47, that includes items to be or not to be replenished. Applicant's attempts to define the lexicography of the terms is noted, but not convincing as Salvo's is capable of analyzing and planning within broad scope and content of the plain meaning of the terms recited. To have provided a stocking plan for Salvo would have been obvious to one of ordinary skill in the art. The motivation for doing such would have been replenishment of various stock item materials has been common knowledge in the art and may be viewed as constituting a stocking plan. To have provided a plurality of stocking plans would have been a mere design choice, as alternative inventory items has been common knowledge in the art. Likewise, to have provided common knowledge time criteria, business objectives or solution paths for Salvo would have been an obvious design choice for one of ordinary skill in the art.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 1-55, 57-61 and 65-68 are is rejected under 35 U.S.C. 102(b) as being anticipated by Tone et al., US 5,596,493 or the Business Wire "Automatic Replenishment Moves to the Internet with ProSAIM from Profile Systems" article.

The Point of Sale device of Tone may be viewed as a graphical user interface. The common knowledge business rules are inherent the stock costs associated with Tone or Business Wire.

4. Claim 1 rejected under 35 U.S.C. 102(a) as being clearly anticipated by Rosenberg et al., US 6,418,416.

5. Claim 1 rejected under 35 U.S.C. 102(e) as being clearly anticipated by Armington, US 2001/0017023, or Yang et al., US 2001/0034673, or Hoblit , US 20012/0072977.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808. The examiner can normally be reached on Tuesday thru Friday, 7:30 a.m until 6 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Joseph Rudy  
June 28, 2004